

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

UNITED STATES OF AMERICA ex. rel.  
Walter Steven Carlos-EL  
(PETITIONER)

- VS -

RECEIVED

2-26-2008  
FEB 26 2008 MB

MICHAEL W. ROBERTS  
CLERK, U.S. DISTRICT COURT

CASE NO:  
(SUPPLIED BY CLERK OF THIS COURT)

PEOPLE OF THE STATE OF ILLINOIS  
STATE'S ATTORNEY, RICHARD A. DEVINE  
A.S.A., VERYL GAMBINO  
ASSOCIATE JUDGE, STANLEY J. SACKS  
SHERIFF, THOMAS DART  
(RESPONDENTS)

08CV1176  
JUDGE ST EVE  
MAGISTRATE JUDGE SCHENKIER

Case NO: of State Court Conviction:  
06 CR-5155 Is IN Pre-Trial

STATE OF ILLINOIS  
COUNTY OF COOK

PETITION FOR WRIT OF HABEAS CORPUS  
PERSON IN STATE CUSTODY  
28 U.S.C. § 2241

1.) Name and location of court... (Pre-Trial)

Circuit Court of Cook County  
2650 So. California Ave. (Room 602)  
Chicago, IL 60608

- 2.) Judges name: Hon. Stanley J. Sacks  
Courtroom 602
- 3.) Date of illegal detainment: March 22, 2006
- 4.) Offenses of which petitioner is being held  
For: 720-5/19-3-A, Burglary - Residential; 8-4-180,  
Possession of Burglary tools
- 5.) Cause Number: 06 CR-5155 is in pre-trial
- 6.) No plea entered: reasons, Case formally  
abandoned as cause number (06110359601)  
Date of Final Order, February 22, 2006.

## PETITIONERS CLAIMS

(A) Ground One: Violation of the Fourth Amendment,  
"Illegal Search and Seizure"

1.) Petitioner states that he was arrested on  
January 26<sup>th</sup>, 2006 (with out probable cause)

and searched without his (the petitioner's consent).

2.) Fruits of an illegal search led to the finding of a wallet that said petitioner found in the alley prior to his arrest.

3.) Said wallet (illegally recovered) contained information and addresses to a vacant house where an alleged burglary in progress was called in.

4.) Sgt. Murzyn, #1893 and Sgt. Gill, #1564, relayed false information to Officer R. Robinson, #19609 and Officer Holmes who filled out complaints charging the petitioner with Criminal Trespass to Residence - 720-5/19-4-A-1; Theft of Lost/Misaid Property - 720-5/16-2; Possession of Burglary Tools - 8-4-180; and Burglary - Residential - 720-5/19-3-A was latter added.

5.) Petitioner was charged by way of information by State Prosecutors and a preliminary hearing was scheduled for February 02, 2006, in which no one appeared to validate said complaint in support of said information.

6.) Hon. Judge Michelle Jordan @ Branch 38

(IV)

(4 of 11)

727 East 111<sup>th</sup> Street, Chicago, IL, Presiding over the Case of People of the State of Illinois (vs) Walter S. Carlos-EL #06110359601 granted the State's motion for another continuance which was scheduled for February 22, 2006.

7.) On February 22, 2006, again no one appeared so Hon. Judge Michelle Jordan could examine them to establish probable cause and to verify the inferences in said affidavit of complaint.

8.) Prosecuting Attorney, A.S.A. Dean Fugate motioned for another continuance upon alleged witnesses second failure to appear (of which the court denied) then withdrew the prosecution via an unconditional Nolle-Prosequi. (See Exhibit A.)

9.) Petitioner was discharged after the above entitled Cause was Nolle-Prosequi on February 22, 2006 (see Exhibit-A.)

## Ground Two: Prosecutorial Misconduct

1.) Petitioner states that he received a letter at his temporary places of residence on March 13, 2006 post dated for March 01, 2006. Said letter

(V)

(50211)

Stated that the petitioner had been indicted by a Grand Jury on March 01, 2006 for the charge of Residential Burglary and was to appear in court on March 22, 2006 and that failure to appear may lead to a warrant being issued for petitioner's arrest.

2.) Petitioner states that the Grand Jury was never informed that the prosecution was abandoned in Petitioner's favor. Petitioner also states that State Actors have acted maliciously in continuing a prosecution that was formerly abandoned.

### Ground Three: Violation of Fourth Amendment False Arrest / False Imprisonment

1.) Petitioner (Walter Steven Carlos EL) states that on March 22, 2006, he was arraigned before Associate Chief Justice, Paul P. Biebel and assigned a trial judge, Stanley J. Sacks in courtroom 303.

2.) Petitioner entered into courtroom 303 where Associate Judge Stanley J. Sacks was presiding and stated that he was making a special appearance.

(VI)

(6 of 11)

- 3.) Associate Judge, Stanley J. Sacks stated that the petitioner, (Walter Steven Carlos EL) was charged with Residential Burglary, then stated that "This case was thrown out of lower court." Said judge then stated that since the petitioner had ~~volunteered~~ to come, he would have to give him a bond.
- 4.) Petitioner states that there was no warrant for his arrest and that said judge, Stanley J. Sacks admitted that the case was thrown out, i.e. terminated, dismissed, Nolle-Prossessed. (see exhibit A)
- 5.) Stanley J. Sacks (Associate Judge) imposed a bail amount that the petitioner did not have and said petitioner was taken in to custody without a warrant having been issued on a case that was abandoned.

### Ground Four: Violation of the Eighth Amendment Cruel and Unusual Punishment

- 1.) Petitioner was sent to a mental institution (Elgin Mental Health Center) after an evaluation where petitioner advised evaluator that he was a Natural Person and that He Had been Nationalized as a

VII

(7 of 11)

Moorish-American and that the State Courts lacked jurisdiction due to petitioner's National Status and that Case # 06CR5155 is the same offense based upon the facts that was terminated in a prior proceeding as Cause # 06/10359601.

- 2) Petitioner states that he had to take psychotropic medications in order to regain a status of being fit to stand trial. Petitioner stayed subjected to such treatment from 7/25/06 up till 11-02-07.

Ground Five: Violation of Sixth Amendment Right to have Compulsory Process to obtain Witnesses in his favor.

- 1.) Petitioner states that he has submitted a "Writ/Order of Subpeona Duces Tecum" to the Clerk of the Circuit Court (Denise Barnes) of which was stamped received but not filed and that Associate Judge Stanley J. Sacks refused allow the petitioner to utilize his Constitutional Right to have Compulsory Process to compel Hon. Judge Michelle Jordan to appear in court which would have clarified

(VIII)

(8 of 11)

any errors or brought an end to the State's  
misconduct/malicious prosecution. {See Exhibit B}

Ground Six: Violation of Fifth and  
Fourteenth Amendment. Deprivation of life,  
liberty, or property without Due Process of Law  
and Denial of Equal protection of the Laws.

- 1.) Petitioner states that he is (more or less) the  
victim of an Abuse of Process rather than  
Due Process. Petitioner states that his liberty  
has been taken away for (22) months, beginning  
on March 22, 2006 until this day February 2008.
- 2.) Petitioner states that he has submitted  
a "Writ/Order OF Subpoena Duces Tecum"  
which was received by the Clerk of the  
Circuit Court but denied by Associate  
Judge Stanley J. Sacks. Said document  
was stamped received on 2007 Oct 12, 9:22 AM.  
(SEE EXHIBIT B)
- 3.) Petitioner Has submitted several Writ's of  
Habeas Corpus in the Circuit Court of  
which none have been acknowledged  
by Associate Judge, Stanley J. Sacks.



(IX)

(9 of 11)

4.) Petitioner states that he filed/submitted a petition for leave to file Original Writ of Habeas Corpus, Docket Number 105524 which was denied in and by the Supreme Court of Illinois. Order entered by Justice Fitzgerald. (see Exhibits (C) and (D).)

### Ground Seven: Violation of Article Three and Article ~~SIX~~

1.) Petitioner states that Associate Judge, Stanley J. Sacks is not acting with Good Behaviour or in Good Faith, knowing that the State's Attorney has committed a Prosecutorial Misconduct and are operating with unclean hands and have no legit cause of Action or claims against the petitioner.

2.) Petitioner has also submitted a Judicial Notice stating his National Status as a Moor in harmony with the Treaty of Peace and Friendship and in harmony with Universal Declaration of Human Rights, Dec 10, 1948. Treaty of 1787 & 1836. Said Judge, Stanley J. Sacks Disavows Both. (See exhibit "E" Judicial Notice)

(X)

(10 of 11)

Petitioner, (Walter Steven Carlos-EL) states that certain forms do not apply to his current status of being illegally detained in that petitioner has not been convicted but is in the stage of Pre-Trial.

## VERIFICATION

Petitioner submits his signature under Oath and under the penalties of perjury that the enclosed material and facts in this Writ of Habeas Corpus, 28 U.S.C. §2241, is accurate, true, correct and complete.

Petitioner also states that he has exhausted the required state remedies, although under *White vs Lambert* 370 F. 3d 1002, 1008 (9th Cir. 2004) said requirements may not apply.

Petitioner request that the relief of being released be granted according to the facts, Law, and upon the merits of this Petition for Writ of Habeas Corpus and that the Defective indictment, #06CS155 be dismissed. Petitioner Prays that his request be granted.

(XI)

("OF")

Respectfully Submitted

Without Prejudice and In Full Life  
Walter Steven Carlos EL  
Walter Steven Carlos EL

UCC 1-207 UCC 1-103

Exhibit (A)

OFFICIAL COURT REPORTERS

CIRCUIT COURT  
OF  
COOK COUNTY  
69 W. WASHINGTON  
SUITE 800  
CHICAGO, IL 60602  
(312) 803-6400

1 STATE OF ILLINOIS )  
2 ) SS:  
3 COUNTY OF C O O K )  
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
5 MUNICIPAL DEPARTMENT - FIRST MUNICIPAL DIVISION  
6  
7 THE PEOPLE OF THE )  
8 STATE OF ILLINOIS )  
9 Plaintiff, )  
10 vs. ) Case No. 06103596  
11 WALTER CARLOS-EL )  
12 Defendant. )  
13 REPORT OF PROCEEDINGS of the hearing  
14 before the HONORABLE MICHELLE JORDAN, on the 22nd  
15 day of February, A.D., 2006.  
16  
17 APPEARANCES:  
18 HON. RICHARD DEVINE, State's Attorney,  
19 BY: MR. DEAN FUGATE,  
Assistant State's Attorney,  
on behalf of the People;  
20  
21 HON. EDWIN A. BURNETTE, Public Defender,  
22 BY: MR. HAROLD HALL,  
Assistant Public Defender,  
on behalf of the Defendant.  
23 REGINA A. CLEMMER, CSR,  
OFFICIAL COURT REPORTER  
24 CIRCUIT COURT OF COOK COUNTY  
LIC. NO. 084-004002

1 THE CLERK: Walter Carlos-El.

2 MR. FUGATE: Judge, we are missing the  
3 necessary witness. This is the second motion state  
4 date.

5 THE COURT: Denied.

6 MR. FUGATE: Motion state nolle prosequi.

7 MR. HALL: Defendant's appearance is waived.

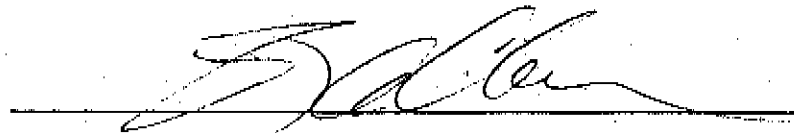
8 MR. FUGATE: Judge, nonsuit Count 3.

9 (Whereupon, the above-entitled  
10 cause was nolle prosequi.)  
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1 STATE OF ILLINOIS )  
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3 COUNTY OF COOK )  
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5 I, REGINA A. CLEMMER, an official court  
6 reporter of the Circuit Court of Cook County, Cook  
7 Judicial Circuit of Illinois, do hereby certify  
8 that I reported in shorthand the proceedings had on  
9 the hearing in the above-entitled cause, that I  
0 thereafter caused the foregoing to be transcribed  
1 into typing, which I hereby certify to be a true  
2 and accurate transcript of the proceedings had  
3 before the Honorable MICHELLE JORDAN, Judge of said  
4 Court.  
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8 REGINA A. CLEMMER

9 C.S.R. NO. 084-004002  
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23 Dated this 15th day  
24 of October, 2007.

October 9, 2007

State of Illinois )  
County of Cook )

In the Circuit Court of Cook County,  
County Department of Criminal Division  
Cause # 06CR5155  
Attention: "Denise Barnes"

People of the State of Illinois

(Vs.)

Walter Steven Carlos-El

RECEIVED  
OCT 12 PM 9:07  
CLERK OF COURT  
CRIMINAL

## **"WRIT/ORDER OF SUBPEONA DUCES TECUM"**

Now comes: Walter Steven Carlos-EL, In Full Life, In Propria Persona Sui Juris, and submits the following to wit: this "WRIT OF SUBPOENA DUCES TECUM" pursuant to the Constitution of the State of Illinois, Article (1) § 8... "In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to be confronted with witnesses against him or her and to have process to compel the attendance of witnesses in his or her behalf." The vessel, Walter Steven Carlos-El is invoking his Constitutional (VI) Amendment right to have compulsory process to obtain witnesses in his favor, under the authority of the United States Constitution and is invoking his right to have process to compel the attendance of witnesses in his behalf, pursuant to the Constitution of the State of Illinois, Article 1. § 8. Also, see People v. Grosunor, 108 Misc. 2d 932, 439 N.Y. S. 2d 243, 249. See Fed. R. Civil P. 45, and Fed. R. Crim. P. 17.

The vessel seeks to secure the appearance of Judge Michelle Jordan @ branch 38, courtroom (2) and the transcripts of the proceedings and how she adjudicated the charge of Residential Burglary, 720-5/19-3-A, and Possession of Burglary Tools, 8-4-180 on February 22, 2006, cause # 06110359601 of which the vessel/defendant is being prosecuted again for the same offense based upon the same facts under indictment # 06CR5155. This matter is before Associate Circuit Court Judge Stanley Sacks, @ 2650 South California Avenue, Courtroom 602.

Common Law Notary Public

Respectfully Submitted

Without Prejudice and In Full Life  
*Walter Steven Carlos-EL*  
Walter Steven Carlos-EL

U.C.C. 1-207      U.C.C. 1-103



11/28/07

ILLINOIS SUPREME COURT  
-- FACT SHEET --

PAGE 1  
(105524)

105524 DOCKET: People's Docket (PEOPLE)  
Walter Steven Carlos-El, petitioner, v. People  
State of Illinois et al., respondents. Habeas  
Corpus.

DISTRICT: 1

CIRCUIT: 0

COUNTY: Cook

RULE: 381

TYPE: Habeas Corpus

NO PART:

REFERENCE INFORMATION:

CASE NUMBERS: TR06CR5155

PETITIONER

ATTORNEY: Mr. Walter Steven Carlos-El  
Reg. No. 2007-0082858  
Cook County Jail  
P. O. Box 089002  
Chicago, IL 60608

FEE: NO FEE

PARTY: Walter Steven Carlos-El

RESPONDENT

ATTORNEY: Hon. Lisa Madigan  
Attorney General, Criminal Appeals Div.  
100 West Randolph St., 12th Floor  
Chicago, IL 60601

FEE: NO FEE

ATTORNEY: Hon. Richard A. Devine  
State's Attorney Cook Co., Crim. Appeals Division  
309 Richard J. Daley Center  
Chicago, IL 60602

FEE: NO FEE

PARTY: People State of Illinois

\*\*\*\*\* END OF FACT SHEET \*\*\*\*\*

Clerk of the Supreme Court  
200 East Capitol Avenue  
Springfield, IL 62701

Clerk of the Supreme Court  
160 North LaSalle Street, 20th Floor  
Chicago, IL 60601



SUPREME COURT OF ILLINOIS

SUPREME COURT BUILDING  
SPRINGFIELD 62701

JULEANN HORNYAK  
CLERK OF THE COURT  
(217) 782-2035

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(217) 524-8132

December 18, 2007

FIRST DISTRICT OFFICE  
20TH FLOOR  
160 N. LASALLE ST.  
CHICAGO 60601  
(312) 793-1332

TELECOMMUNICATIONS DEVICE  
FOR THE DEAF  
(312) 793-6185

Mr. Walter Steven Carlos-El  
Reg. No. 2007-0082858  
Cook County Jail  
P. O. Box 089002  
Chicago, IL 60608

In re: Walter Steven Carlos-El, petitioner, v. People  
State of Illinois et al., respondents.  
No.105524

Today the following order was entered in the captioned case:

Motion by petitioner, pro se, for default judgment. Motion  
Denied.

Order entered by Justice Fitzgerald.

Very truly yours,

*Juleann Hornyak*

Clerk of the Supreme Court

cc: Hon. Lisa Madigan  
Hon. Richard A. Devine

Exhibit E

STATE OF ILLINOIS  
COUNTY OF COOK

IN THE CIRCUIT COURT OF COOK COUNTY  
COUNTY DEPARTMENT, CRIMINAL DIVISION  
PRISONER CORRESPONDENCE  
CASE NO. 06CR-5155  
Attention: DENISE BARNES

PEOPLE OF THE STATE OF ILLINOIS

VS

WALTER STEVEN CARLOS-EL

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## JUDICIAL NOTICE

Now comes: Walter Steven Carlos-EL, In Full Life, In Propria Persona Sui Juris, and submits the following to wit: This "Judicial notice" to be stamped and filed for record, and served to Associate Judge Stanley Sacks.

To All Natural Beings and True North American Citizens, Who Are of Rightful Law and concern...

Standing squarely "**In Propria Persona Sui Juris**" and upon my Birthright Nobility, Private Status and Commercial Liability, I, Walter Steven Carlos-El, being "**In Full Life**" duly affirmed; under pledged allegiance to my Country, my Nation, Organic Right Law Government and under Oath to the Five Principles of Light-Love, Truth, Peace, Freedom and Justice, (Isonomi); and being "**Part and Parcel**" of this government, do squarely Affirm and attest to the Truth, the whole Truth and nothing but the Truth; having and possessing clear knowledge and sound belief upon the facts contained herein; and being "**In Full Life**". I am thusly, competent to make and present this Affidavit, upon which my signature is placed. I do declare, state and proclaim the following facts to be true, correct, certain, complete, not misleading and not to be used or intended for any improper purpose or misunderstanding to wit: This **Judicial Notice**-established by common notoriety, is presented for the Record, to secure the "**Inalienable Rights**" and "**Birthrights**" of the "**Natural Beings**" and the **citizens**, who are in allegiance with the United States Republic and its Constitution, and the Ancient Moorish "**Right-Law**" Principles, from which the Constitution was adopted. The Supreme Principle Laws are definitely superior to the "**Preter Legal**" and colorable actions, as unlawfully "**practiced**" by "**racketeers**" or by alien subverters, who are often operating from seats of government; or those who may claim to be authorized officers of quasigovernment agencies. **The Supreme Court of the United States** is vested, by the **Constitution**, with "**original jurisdiction**" in all cases within the judicial power of the United

States, both as to **Law and Fact**. All other courts are inferior. Legitimate and Lawful Courts may be delegated proper **D.O.A.O.** Authority, in accord with and under the Lawful Constitutional Process, as per (**Article III Section I**) with documented and certifiable proof-displayed for the Public Record. Proper Jurisdiction and Proper Venue Courts are in place to protect the rights of the People; and the People and citizens must have Free Access to the Courts

**Explicit Reservation to All Judicial Officers and Peace Officers:** My use of all Rights Reserved Without Prejudice U.C.C. 1-207, U.C.C. 1-103 indicates the reservation of My Rights, whereby I may reserve My Substantive Rights and Constitutional Immunities; I am not to be compelled to performed under any Contract or Agreement which I have not entered into knowingly, voluntarily or intentionally; and this Reservation serves NOTICE upon all administrative Agencies of Government, National, State and Local; and that I do not accept the liability associated with the "COMPELLED BENEFIT" of any unrevealed Commercial Agreement nor do I accept any coerced agreement, or any deceptively imposed contract.

**I, Walter Steven Carlos-El**, being a real live, breathing, thinking, flesh and blood, Natural Being, "In Full Life" and not an artificial, "nom de guerre" corporate-construct, nor a fictional being, do hereby, solemnly sincerely and squarely Affirm, "In Propria Persona Sui Juris", that the foregoing facts, contained in this Constructive and Actual Judicial Notice and Affirmed Affidavit, are, to the best of my knowledge, intent and belief, true, correct, complete, and not misleading and is the Truth, the whole Truth, and nothing but the Truth. Being "Part

and Parcel" of this said Government, and by secured "Right", I do not under any conditions, waive any of my rights, nor do I transfer any Powers of Attorney to any foreign corporate entity, nor to any person or persons alien to the Constitution or adverse to the de jure Laws passed under the Authority of the United States Constitution.

**United States Constitution-Amendment 4:** The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized.

**Section I.** The judicial Power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behavior, and shall at stated Times, receive for their Services, a compensation, which shall not be diminished during their continuance in Office.

If any Tribunal (court) finds absence of proof of jurisdiction over a person and subject matter, the case must be dismissed. Louisville v. Motley 2111 US 149, 29S. CT 42. "The Accuser Bears the Burden of Proof beyond a Reasonable Doubt"

"Lack of Federal Jurisdiction can not be waived or overcome by agreement of parties". Griffin v Matthews, 310 F supra 341, 342 (1969); and "Want of Jurisdiction may not be cured by consent of parties." Industrial Addition Association v. C.I.R., 323 US 310, 313.

"The facts that federal courts are of limited jurisdiction means that the litigants in them must affirmatively establish that jurisdiction exist and may not confer non existent jurisdiction by consent or conduct."  
Turner v. Bank of North America, 4 Dall. (U.S.) 8 (1799); Jackson v. Ashton, 8 Pet. (33u.s.) 148 (1834)

"Thus for the original of the Supreme Court, which flows directly from the Constitution, two prerequisites must be present: first the Constitution must have given the courts the capacity to receive it, and second, and act of Congress must have conferred it."

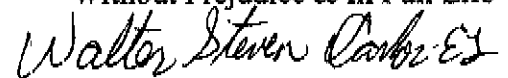
The Mayor v. Cooper, 6 Wall (73 U.S.) 247,252 (1868); Cary v. Curtis, 3 How. (44 U.S.) 236 (1845)

Truth A1, AA222141 Federal Jurisdiction-'Foreign Relations Intercourse'-United States Codes of Law, Title 22 Chapter 2, Sections 141 and 142; and pursuant to title 8 USC 1401-Citizenship.

I seek nothing more at this time than to be released and to have the pending charges against me dismissed with prejudice.

Respectfully Submitted

Without Prejudice & In Full Life

A handwritten signature in cursive script that reads "Walter Steven Carlos-El".

Walter Steven Carlos-El

U.C.C. 1-207...U.C.C. 1-103